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Filing date: **04/01/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187749
Party	Plaintiff Valanna Cosmetics, LLC
Correspondence Address	Jennifer DeArmond Schneck & Schneck P.O. Box 2-E San Jose, CA 95109 UNITED STATES jdearmond@patentvalley.com
Submission	Opposition/Response to Motion
Filer's Name	Jennifer DeArmond
Filer's e-mail	jdearmond@patentvalley.com
Signature	/jennifer dearmond/
Date	04/01/2009
Attachments	Brief in Opposition to Motion Opposition 91187749.pdf (6 pages)(427036 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

VALANNA COSMETICS, LLC.,)	Opposition No. 91187749
)	
Opposer,)	Serial. No.: 77/266,464
)	Mark: 88 VALANNA
vs.)	Published: Jul 29, 2008
)	
LICOPAI ENTERPRISES CO., LTD.,)	
)	
Applicant.)	

**OPPOSERS'S BREIF IN OPPOSITION TO APPLICANT'S MOTION TO EXTEND
TIME FOR RESPONDING TO ADMISSIONS OF OPPOSER AND FOR FILING AN
AMENDED ANSWER**

Applicant seeks an order allowing Applicant additional time to file responses to Opposer's discovery requests and additional time to file an Amended Answer to Opposer's Notice of Opposition. Opposer, Valanna Cosmetics, LLC, respectfully opposes Applicant's Motion on the grounds that Opposer and Applicant have already stipulated to an extension of time to respond to discovery requests. Additionally, no grounds are provided for Applicant's request to amend its Answer.

Applicant's Motion states that on March 26, 2009, Applicant, through its counsel, attempted to contact Opposer's counsel to obtain consent for the Motion. However, no such effort was made. On March 26, 2009, Applicant and Opposer stipulated to an extension of time to respond to discovery requests until April 6, 2009. Such stipulation was agreed to via email, attached as Exhibit 1, and was based upon the parties continued settlement discussions. At no time on March 26, 2009 did Applicant request stipulation to a Motion to extend the time for

discovery responses to April 25, 2009, nor stipulation for an extension of time for Applicant to amend its Answer. In fact, Opposer first became aware of Applicant's request for an extension until April 25, 2009 when Opposer received a copy of Applicant's Motion on April 1, 2009.

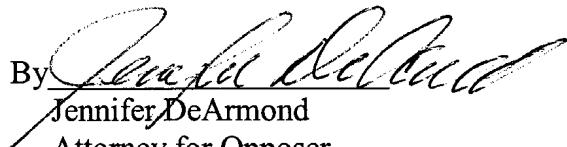
Applicant requests an extension of time to file an Amended Answer. Applicant provides no grounds for such request. Applicant has had ample time to consider its Answer filed on January 5, 2009. If Applicant's Answer requires an amendment, such Amendment should either have been submitted with Applicant's Motion in accordance with TMEP §507.01, or should be submitted in due course without need for an extension of time until April 25, 2009.

For the foregoing reasons, Opposer respectfully requests that Applicant's Motion be denied.

Dated: *April 1, 2009*

Respectfully Submitted,

By


Jennifer DeArmond
Attorney for Opposer,
VALANNA COSMETICS, LLC.

Law Office of
Schneck & Schneck
80 South Market Street, 3rd Floor
San Jose, CA 95109-0005
Telephone: 408-297-9733

EXHIBIT 1

Jennifer DeArmond

From: Guan, Binli [BG@bskb.com]
Sent: Thursday, March 26, 2009 3:40 PM
To: Jennifer DeArmond
Subject: RE: VALANNA Our Ref. No. 3624-0337L

Received with thanks!

Binli Guan
Birch, Stewart, Kolasch & Birch, LLP
8110 Gatehouse Road
Suite 100 East
Falls Church VA 22042
Telephone: 703-205-8037
Fax: 703-205-8050
Email: BG@BSKB.com
Web address www.bskb.com
Please copy all urgent matters to mailroom@bskb.com for proper handling.

From: Jennifer DeArmond [mailto:JDeArmond@patentvalley.com]
Sent: Thursday, March 26, 2009 6:15 PM
To: Guan, Binli
Subject: RE: VALANNA Our Ref. No. 3624-0337L

Yes, we agree to extend discovery responses until 4/6/2009.

Regards,

Jennifer DeArmond
LAW OFFICES OF SCHNECK AND SCHNECK
80 SOUTH MARKET STREET
SAN JOSE, CA 95113
PH: 408-297-9733
FAX: 408-297-9748

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From: Guan, Binli [mailto:BG@bskb.com]
Sent: Thu 3/26/2009 11:36 AM
To: Jennifer DeArmond; Slattey, James M.
Cc: MailRoom
Subject: RE: VALANNA Our Ref. No. 3624-0337L

3/26/09

Dear Ms. DeArmond:

Thanks for the email regarding Opposition matter. We have received our client's instruction today. Our client would need more time to consider your client's requests. Can we agree to extend the proceeding to 4/6/09?

Regards,

4/1/2009

Binli Guan for James M. Slattery, Esq.

Binli Guan
Birch, Stewart, Kolasch & Birch, LLP
8110 Gatehouse Road
Suite 100 East
Falls Church VA 22042
Telephone: 703-205-8037
Fax: 703-205-8050
Email: BG@BSKB.com
Web address www.bskb.com
Please copy all urgent matters to mailroom@bskb.com for proper handling.

From: Jennifer DeArmond [<mailto:JDeArmond@patentvalley.com>]
Sent: Wednesday, March 25, 2009 6:10 PM
To: Slattery, James M.
Cc: Guan, Binli; MailRoom
Subject: RE: VALANNA Our Ref. No. 3624-0337L

Mr. Slattery,

We are preparing to send our discovery responses out on Friday unless we hear from your client before then regarding settlement.

Regards,

Jennifer DeArmond
LAW OFFICES OF SCHNECK AND SCHNECK
80 SOUTH MARKET STREET
SAN JOSE, CA 95113
PH: 408-297-9733
FAX: 408-297-9748

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From: Slattery, James M. [<mailto:JMS@bskb.com>]
Sent: Wednesday, March 18, 2009 2:34 PM
To: Jennifer DeArmond
Cc: Guan, Binli; MailRoom
Subject: RE: VALANNA Our Ref. No. 3624-0337L

March 18, 2009

Dear Ms. DeArmond:

Thank you for your e-mail.

We did send your counter proposal to our clients. We have not yet received their reply.

I suggest that we extend the time period by one more week to permit our client to consider your counter proposal.

Regards,

James M. Slattery, Esq.
BIRCH, STEWART, KOLASCH & BIRCH, LLP

4/1/2009

8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
Telephone No. 703-205-8015
Facsimile No. 703-205-8050
e-mail jms@bskb.com
web address www.bskb.com
Please copy all urgent matters to mailroom@bskb.com for proper handling.

From: Jennifer DeArmond [<mailto:JDeArmond@patentvalley.com>]
Sent: Wednesday, March 18, 2009 4:23 PM
To: Slattery, James M.
Subject: RE: VALANNA Our Ref. No. 3624-0337L

Mr. Slattery,

The one week extension is up tomorrow and we are anticipating sending out our responses unless you want to agree to another week extension to further attempt settlement.

Regards,

Jennifer DeArmond
LAW OFFICES OF SCHNECK AND SCHNECK
80 SOUTH MARKET STREET
SAN JOSE, CA 95113
PH: 408-297-9733
FAX: 408-297-9748

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4/1/2009

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of OPPOSERS'S BRIEF IN OPPOSITION TO APPLICANT'S MOTION TO EXTEND TIME FOR RESPONDING TO ADMISSIONS OF OPPOSER AND FOR FILING AN AMENDED ANSWER was served by depositing the same with the United States Postal Service, first class mail, postage prepaid, direct to:

James M. Slattery
Reg.No.28,380
Birch Stewart Kolasch & Birch LLP
P.O. Box 747
Falls Church, VA 22040-0747

Date: April 1, 2009

By: Merle P. Garcia
Merle P. Garcia